

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

COREY DUPREL MORRIS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07cv743-JCS

MALCOLM McMILLIN, ET AL.

DEFENDANTS

ORDER

This cause comes on this date on the *sua sponte* motion of the Court to dismiss this cause of action because of plaintiff's failure to prosecute his claims. Natural Gas Pipeline Co. v. Energy Gathering, Inc., 2 F.3d 1397, 1407 (5th Cir. 1993). Plaintiff has failed to respond to an Order to Show Cause entered January 13, 2009, pursuant to Fed. R. Civ. P. 41(b). In its orders, this Court has warned plaintiff that he should keep the Court informed of his current address. In spite of these warnings, an order of the Court addressed to the plaintiff and dated on or about October 30, 2008, was returned to the Clerk of Court, marked "Return to Sender," thus indicating that the plaintiff is no longer located at his address as listed in the Court's records. Furthermore, the Hinds County Detention Center notified the Court on December 22, 2008, that the Plaintiff is no longer in its custody. (Document number 27). Since that time, the Plaintiff has failed to update the Court with his current address. Thus, it is evident that the plaintiff has failed to keep the Court informed of his current address and does not wish to prosecute this case. Accordingly, this case should be dismissed for Plaintiff's failure to prosecute. Fed. R. Civ. P. 41(b). A separate judgment will be entered pursuant to Rule 58.

SO ORDERED this the 6th day of February, 2009.

S/ James C. Sumner
UNITED STATES MAGISTRATE JUDGE